United Nations S/2006/390

Security Council

Distr.: General
13 June 2006

Original: English

Twenty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1635 (2005) of 28 October 2005, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 September 2006, and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it informed regularly of developments in the Mission area. This report covers major developments, particularly in regard to the electoral process, since my last report to the Council, dated 28 December 2005 (S/2005/832).

II. Political developments

2. The constitutional referendum in December 2005 and the promulgation of the electoral law on 9 March have been important steps towards the holding of democratic elections. Sixty-two per cent of the 15.5 million voters who participated in the referendum voted in favour of the Constitution.

3. The electoral law reflects the consensus reached among the main political parties after intensive debate. It establishes 169 electoral constituencies following the administrative boundaries of the 145 territories and 21 cities, with Kinshasa divided into 4 constituencies. It provides for a two-round system for presidential elections; if a candidate does not win an absolute majority of the vote in the first round, a second round will be held. The law provides for a mixed system for the election of the 500 National Assembly deputies. In electoral districts with one seat, candidates will be elected on the basis of a simple majority. In electoral districts with two or more seats, there will be an open-list proportional system, in which voters select one candidate.

4. The registration of candidates for legislative and presidential elections began on 10 March. Owing to the initially low rate of registration of candidates, the Independent Electoral Commission prolonged the process by 10 days on 23 March. Some 213 parties and coalitions have presented candidates for the elections. The major coalitions include the Parti du peuple pour la reconstruction et la démocratie

06-38672 (E) 210606

(PPRD), the Rassemblement congolais pour la democratie (RCD), the Mouvement pour la libération du Congo (MLC) and the Coalition des démocrates congolais (CODECO). Approximately 20 other parties are estimated to have a nationwide electoral base.

5. On 16 April, the Independent Electoral Commission published the final list of candidates for presidential elections. Of the 73 candidates, 33 were cleared by the Commission and the Supreme Court. Of those, 29 represent a party or political platform, while four will run as independents. Presidential candidates include President Kabila and Vice-Presidents Bemba, Ruberwa and Z'Ahidi Ngoma. While the leader of the Union for Democracy and Social Progress (UDPS), Etienne Tshisekedi, announced on 2 January his party's readiness to join the electoral process, the party's request to reopen the registration centres was declined by the Independent Electoral Commission. The identification of UDPS as the only party entitled to that denomination and logo was resolved only at the end of the candidate registration period. Consequently, despite multiple interventions by local and international stakeholders, UDPS leader Tshisekedi decided that his party would not participate in the electoral contest.

6. On 16 April, the Independent Electoral Commission published the provisional list of candidates for legislative elections; of 9,647 applications, 9,406 were cleared by the Commission. Of those, 784 (8 per cent) were registered as independents. Moreover, some 10,500 candidates have registered to run in the Provincial Assembly elections, on the basis of which the Senate and provincial governors will be chosen.

7. On 30 April, the Independent Electoral Commission published the electoral calendar, scheduling the first round of the presidential elections and the national legislative elections for 30 July. The Commission has not yet specified the possible dates for the second round of presidential elections or the Provincial Assembly elections.

8. The electoral law guarantees the representation of every territory in the National Assembly. This raised an issue for RCD on the status of Minembwe, a territory created by the RCD-Goma administration in South Kivu before the signing of the Global and All-Inclusive Agreement. Had Minembwe been designated an electoral district, the chances of the Banyamulenge community of being represented in the next National Assembly would have been strengthened. The debate over this issue raised tensions in the transitional institutions and RCD threatened to quit the transition and the electoral process. While the Minembwe issue remains unresolved, following sustained efforts assisted by the international community, RCD committed itself on 24 March to participating in the elections.

9. According to figures from the Independent Electoral Commission, about 50 per cent of the registered voters are women. MONUC is continuing to work with the Commission, the United Nations Development Fund for Women, the United Nations Development Programme (UNDP) and national and international non-governmental organizations to establish and strengthen women's networks, platforms and consultation frameworks and to launch media campaigns, training and sensitization sessions nationwide. Four women have registered as candidates for the presidential elections, while 1,305 (13.5 per cent) of the 9,406 legislative candidates are women, with representation from all the provinces. The electoral law, however, did not provide a requirement for gender parity in the submission of electoral lists.

10. In February, the President requested the Supreme Court to review the status of members of the Parliament who had left their political parties since joining the Assembly. On 24 February, the Court ruled that members who no longer represented the component that had nominated them would have to give up their seats in Parliament. On 3 April, Olivier Kamitatu therefore resigned from his position as President of the National Assembly and was replaced by Thomas Luhaka, the MLC National Secretary. While the Supreme Court decision considerably weakened the Parliament's capacity to act, the essential laws related to the transition had already been passed. The Supreme Court decision also raised questions concerning the institution's impartiality, particularly as it is mandated to adjudicate electoral disputes.

Election operations

11. In view of the importance of the electoral process to peace and stability in the Democratic Republic of the Congo and the region, I visited the country from 21 to 24 March. The Under-Secretary-General and Assistant Secretary-General for Peacekeeping Operations visited the country from 4 to 17 March and from 18 to 28 March, respectively. During these visits we stressed the need to hold elections that are inclusive, equitable and secure. We urged Congolese stakeholders, in particular the Transitional Government and its leaders, to promote a level playing field during the elections; to conduct a positive election campaign based on programmes and social projects established in the interest of the population, and on the promotion of peace, development, good governance, security and an end to impunity; to hold a responsible debate; to avoid stirring up ethnic and partisan tensions during the elections; and to ensure the creation of a favourable climate for the holding of democratic elections, including respect for freedom of expression and the press. I also urged the Congolese leaders to rise above short-term interests and work for the unity and stability of the country.

12. The Independent Electoral Commission and MONUC prepared an integrated operational plan for elections, based on an assessment of the registration exercise, which will be used as a tool to manage electoral preparations and avert potential operational problems at an early stage. The assessment highlighted the need to spread the United Nations presence to the 166 territorial capitals and cities and improve coordination of the civic education campaign among national and international partners. This will require the deployment of additional MONUC staff and logistical assets.

13. Finalization of the electoral list and the establishment of polling stations will be among the most significant challenges in the weeks ahead. Owing to delays in the closing of registration centres, the Independent Electoral Commission used provisional electoral lists for the referendum, which will be consolidated for the forthcoming elections. The electoral list was published in May. On the basis of this list, the Commission plans to open some 50,000 polling stations, instead of the 31,000 used for the referendum, to ensure that voting is completed in one day.

14. The electoral system will require the production of 170 different types of ballots with names, photos and logos that are easy to identify. The printing of ballot papers will be managed by the South African Government, which has also agreed to supply the paper, provide warehousing and transport the ballots to the 14 provincial

hubs. The complexity of the electoral system and the ballots increases the importance of civic education. The Independent Electoral Commission and its international partners are allocating additional funds to national non-governmental organizations and other institutions such as the Media High Authority to extend their outreach efforts. MONUC and UNDP focus on three main areas: direct communication and coverage; strategic support for the Independent Electoral Commission; and civic education efforts in support of national actors. Additionally, MONUC advises the Independent Electoral Commission on its communication strategy, media campaign and publications. The United Nations has also produced civic education material, and is involved in training trainers from civil society organizations.

15. The Independent Electoral Commission, supported by MONUC, will have to recruit and train 260,000 polling station agents. Polling station supervisors will proceed from the 333 training sites to the 10,000 polling centres, where they will train the polling station agents. In accordance with the electoral law, the results of the poll will be compiled and published locally, rather than at Kinshasa as was done for the referendum. This should ensure a more efficient and transparent counting of votes and reduce the danger of vote rigging. The decentralization of the MONUC presence to the 166 territories and cities will also contribute to the transparency and efficiency of this process.

16. Following a two-day workshop held in April, the five institutions in support of democracy — the Independent Electoral Commission, the High Media Authority, the Truth and Reconciliation Commission, the Ethics and Anti-Corruption Commission and the Human Rights Monitoring Commission — agreed on a common approach to monitor and support the electoral process and now envisage the establishment of electoral monitoring teams at the 64 result collection centres. They also agreed to establish a committee of international eminent personalities (Comite des sages) to assist in finding non-judicial solutions to electoral disputes.

17. A project aimed at enhancing the capacity of magistrates to resolve electoral disputes and providing logistical support for the judiciary was also developed by MONUC, UNDP and the United Kingdom Department for International Development, in close cooperation with the Supreme Court, the Ministry of Justice and the Independent Electoral Commission. The focus will be on training of trainers to ensure broad geographical coverage while maintaining Congolese ownership of the process.

18. MONUC continues to enhance the population's understanding of the electoral process through the use of its public information assets and by targeting specific groups, including youth and women. The Mission's Radio Okapi broadcasts a daily debate, giving equitable air time to political parties and various actors of the transition, while a new civic education show targets youth and students. MONUC produces a regular television programme in which key political actors are interviewed, and has produced 15 short video features that are aired on a weekly basis on 33 national television stations. MONUC distributes 42,000 copies of a monthly national publication, "Cap sur les Elections", and of the MONUC magazine, and produces sensitization material on the protection of children from manipulation by political actors. The High Media Authority has included in a recent directive on electoral campaigns a provision expressly prohibiting the mobilization of children by political parties.

06-38672

19. A UNDP project in support of the electoral process undertakes and manages the purchase and delivery of equipment and election materials and services. Since the launch of the project in February 2005, 343 tenders totalling some $160 million have been issued. One of the greatest challenges facing the Independent Electoral Commission and UNDP is ensuring the timely payment of national electoral workers and police providing security for the process, particularly those stationed in remote areas. Since September 2005, the UNDP project has paid $15 million directly to voter registration staff. During the referendum period, UNDP hired two local financial institutions to pay approximately 260,000 polling staff and 45,000 police officers. The Independent Electoral Commission, UNDP and MONUC are examining ways to overcome this logistic challenge before the elections.

20. By 29 March, UNDP had received and spent or committed $219,250,770 for election-related activities. To complete the process, UNDP needs an additional $32 million. This includes $23 million that remains unfunded from the original budget and an additional $9 million to cover the increased number of polling stations and electoral staff and the extension of the electoral calendar.

Security threats and plans related to the elections

21. Risks of violence during the forthcoming elections are potentially high. Security sector reform efforts remain largely incomplete and most of the former belligerents maintain a military capacity with which they could challenge electoral results. The deployment of the Garde républicaine to parts of the country has raised concern about possible intimidation of certain candidates.

22. The main security challenges are twofold. Tensions between political parties in large population centres could result in civil disturbances. The security situation in the eastern rural areas, where State administration is largely absent, could be affected by the continued presence of large groups of Congolese soldiers refusing *brassage*, including militia and Mayi-Mayi groups. These groups could be manipulated by political rivals and pose a threat to the deployment of electoral personnel, the population's access to campaign rallies and polling stations, and the transport of official results. Security plans for the electoral process are designed to address these risks.

National security plans for the elections

23. The Congolese national police are responsible for the security of the electoral process, including maintenance of law and order and protection of the transitional institutions (excluding the President, who is protected by the Garde républicaine), electoral staff, facilities and equipment.

24. Some 54,000 national police officers were a part of security arrangements for the referendum. However, more will be needed for the elections, which involve additional electoral facilities and voting centres. Under the national security plan for elections, the Armed Forces of the Democratic Republic of the Congo (FARDC) would be on standby to support the national police if required and would also be responsible for securing militarily sensitive points.

MONUC security plans for the elections

25. MONUC will assist in security measures for the elections using its military and police assets. The military component's main effort during this period will be to deter armed challenges to the electoral process, contain spoilers and provide a safe environment for electoral workers and voters. MONUC, with UNDP support, continues to strengthen the capacity of the national police for that purpose. Training activities have intensified in the context of the comprehensive training programme for the national police developed by the police, MONUC, UNDP, the European Union, Angola, France, South Africa and the United Kingdom of Great Britain and Northern Ireland. During the reporting period, MONUC trained and certified 1,008 police instructors. As at 7 June, these instructors had, in turn, trained some 24,860 territorial police officers in static security for the polling centres. The courses included a component on the prevention of violence against women and children. MONUC has also provided crowd control training for some 4,900 national police officers, out of 6,200 scheduled to be trained in that field. Six MONUC formed police units from Bangladesh, India and Senegal have been deployed in strategic locations, including Kananga, Kinshasa, Kisangani, Lubumbashi and Mbuji-Mayi. These formed police units continue to strengthen the crowd control capacity of the national police, including through joint patrols.

26. MONUC also supports the long-term institutional capacity development of the national police by contributing to the work of the joint working group on the reform and reorganization of the Congolese national police, which is evaluating the police force's requirements and capabilities in order to draft a comprehensive reform plan.

Proposed European Union standby force

27. The European Union has agreed to support MONUC efforts during the electoral process by deploying a standby force to the Democratic Republic of the Congo, which the Security Council authorized by resolution 1671 (2006) of 21 April 2006. The European Union force is designed to enhance the Mission's quick reaction capabilities by addressing situations that might threaten the electoral process. Thus, the force will contribute to stability through a visible advance element and an over-the-horizon force to provide reassurance and deterrence, directly through support for MONUC and indirectly through support for FARDC and the national police, if so requested by the United Nations and decided by the European Union.

Resolutions 1621 (2005), 1635 (2005) and 1669 (2006)

28. Under resolution 1621 (2005) of 6 September 2005, the Security Council authorized MONUC to acquire 841 additional police personnel, including five formed police units, to train the Congolese national police and provide security during the electoral process. Under resolution 1635 (2005) of 28 October, the Council authorized an increase of 300 in the Mission's military strength to allow for the deployment of an infantry battalion in Katanga, with enabling assets, to provide additional security within its areas of operations during the electoral period. In both resolutions, the Council underlined the temporary character of the deployments and

requested me to provide an assessment by 1 June 2006 of whether the additional personnel could be downsized or repatriated by 1 July 2006.

29. Under resolution 1669 (2006) of 7 April 2006, the Security Council authorized the temporary redeployment of a maximum of one infantry battalion, a military hospital and up to 50 military observers from the United Nations Operation in Burundi (ONUB) to MONUC, until 1 July 2006, with the intention of renewing such authorization following future decisions of the Council concerning the renewal of the two Missions' mandates.

30. I am grateful for the action taken by the Security Council to strengthen the police and military capacity of MONUC, particularly during this sensitive period. While the electoral process has been delayed, it is nevertheless firmly on track. I should, however, like to stress that the first months of the new Government will be particularly politically sensitive and fragile. In this connection, the national security services will continue to require the support of MONUC police and military to maintain a secure environment in the country. I would therefore recommend for the Security Council's consideration that it maintain in MONUC the additional military, police and enabling assets approved under resolutions 1621 (2005), 1635 (2005) and 1669 (2006) until 1 January 2007. It is my intention to present to the Council, before the end of the present MONUC mandate in September 2006, my recommendations for the Mission's future mandate in the post-electoral period, including the continued requirements, concept of operations and structure of its military and police assets.

Regional relations

31. During the reporting period, tensions between the Democratic Republic of the Congo and Uganda increased following the incursion of Lord's Resistance Army (LRA) elements into the Democratic Republic of the Congo. On 25 April, MONUC reported an alleged incursion into the country by elements of the Ugandan People's Defence Force. The Mission later confirmed the reports. Such intervention in the Democratic Republic of the Congo by a foreign national army is unacceptable and constitutes a violation of the country's sovereignty and territorial integrity.

32. The establishment of sustainable mechanisms for regional cooperation remains a prerequisite for the stability of the Democratic Republic of the Congo and the Great Lakes region. While the Tripartite Plus Joint Commission met twice during the reporting period, the joint verification mechanisms between the Democratic Republic of the Congo, Rwanda and Uganda did not hold any meetings. MONUC continues to impress upon the parties the need to revitalize these mechanisms as important tools of confidence-building and to work on durable mechanisms for sustained cooperation in areas of common concern, particularly security and economic development.

III. Implementation of the Mission mandate

Security situation and impact of Armed Forces operations

Ituri and Haut-Uele

33. The security situation in Ituri remained generally stable despite continued militia activity. Between March and May, joint FARDC and MONUC operations were conducted in Djugu territory and the Fataki area to contain the militias and force them to disarm. The area south of Bunia (Irumu), witnessed renewed militia activity by the Front nationaliste et integrationiste and the Forces de résistance patriotique en Ituri, reportedly operating under the umbrella of the Mouvement révolutionnaire congolais. A joint FARDC-MONUC offensive operation launched on 27 February to clear Irumu of these armed groups was postponed due to a mutiny by a participating FARDC unit. At the same time, continued insecurity in the area has led to the displacement of more than 6,000 persons from around Bunia. The operation resumed in May, allowing MONUC and FARDC to clear the Tchei area of militias.

34. MONUC, in consultation with the Transitional Government, is developing an overall political-military strategy to address the activities of militias remaining in Ituri. MONUC and UNDP have developed an action plan to facilitate the extension of State authority in Ituri and to alleviate the immediate economic and social needs of the population. A fundamental cause of ethnic tension remains land ownership, which must be addressed in the post-election period. Other issues of concern include the stalled reintegration of demobilized combatants and the continued harassment of the population by FARDC.

35. On 18 January, MONUC deployed its Guatemalan special forces unit to the Garamba National Park following the receipt of information about the alleged presence there of LRA, including the militia leader, Vincent Otti, for whom the International Criminal Court had issued an arrest warrant. On 23 January, while approaching a militia camp, the MONUC special forces unit came under heavy fire by suspected LRA elements. Eight troops were killed and five were injured. The United Nations, the Government of the Democratice Republic of the Congo and the international community mourn the loss of the eight courageous Guatemalan troops who gave up their lives in the service of peace.

North Kivu

36. In December 2005, a joint operation conducted by FARDC and MONUC against several hundred Allied Democratic Forces (ADF) elements in the Beni area resulted in the disintegration of this armed group; nearly 100 ADF combatants were killed and 14 camps destroyed. Furthermore, sensitization concerning the disarmament, demobilization, repatriation, resettlement and reintegration process was successful in getting 97 Congolese members of ADF to surrender. Sadly, one Indian MONUC soldier was killed and five wounded during the operation.

37. In January, tensions escalated after human rights abuses were committed by soldiers of the FARDC fifth integrated brigade against Kinyarwanda speakers in Rutshuru territory. Insurgents belonging to the Laurent Nkunda militia, with elements of the 83rd brigade, attacked the FARDC fifth integrated brigade. They subsequently took over Rwindi and Kibrizi, prompting the withdrawal of FARDC

from Rutshuru to Kanyabayonga. On 21 January, MONUC launched operations and successfully cleared Rwindi and Kibrizi of rebel elements. During this period, MONUC also engaged in intensive conflict resolution and reconciliation efforts with the local communities. The insurgency, combined with continuous harassment by the FARDC units, caused the displacement of 50,000 persons to Kanyabayonga and seriously undermined the credibility of FARDC among the civilian population.

38. Since March, the FARDC second integrated brigade has assumed the responsibilities of the fifth integrated brigade and, with MONUC assistance, maintains control over Rutshuru and surrounding areas.

South Kivu

39. Following careful planning, a joint FARDC-MONUC operation was launched in late February against elements of the Forces démocratiques de libération du Rwanda (FDLR) in Bunyakiri territory, causing the splintering of their hierarchy. Approximately 1,000 Rwandan combatants migrated from South Kivu to North Kivu, reducing the number of FDLR in South Kivu to some 2,500. MONUC estimates the number of Rwandan combatants in the Kivus at 7,000.

40. MONUC is closely following events in the highlands of Minembwe to avoid confrontations between Banyamulenge loyal to the Transitional Government and a group of 250 Banyamulenge dissidents who refuse to enter the *brassage* process. MONUC took a number of steps to diffuse tensions, including engaging all parties in community dialogue. Following the intensification of FARDC operations against FDLR in South Kivu in December 2005 and heightened ethnic tensions, the humanitarian presence in South Kivu has dramatically decreased and several non-governmental organizations have withdrawn.

Katanga

41. The continued existence of armed groups in the central and northern districts of the province remains a major concern. FARDC operations against the Mayi-Mayi, which began in mid-November 2005, were initially unsuccessful and contributed to the deterioration of an already precarious humanitarian situation by forcing 150,000 civilians to flee their homes. Following intensive sensitization efforts by MONUC in March, and in agreement with the FARDC regional command, elements from the main Mayi-Mayi group led by Kyungu Mutanga, known as Gédéon, surrendered to MONUC in April and began disarming in May. Subsequently, on 12 May, Gédéon handed himself over to MONUC in Mitwaba and is now being held by FARDC in Lubumbashi.

42. MONUC has deployed several units in Kalemie, Manono, Lubumbashi and Mitwaba and Kamina, as the Benin battalion completed its deployment to the area in May. These troops are to provide security and escorts for electoral and humanitarian missions.

43. In an effort to reduce the possible humanitarian consequences of anticipated military operations against militia and FARDC misconduct, MONUC is strengthening its civilian and military coordination in Kinshasa and the field. MONUC and the Office for the Coordination of Humanitarian Affairs are preparing guidelines and improving coordination and risk analysis in regard to humanitarian issues and contingency planning in the preparation of military operations.

Security sector reform

44. The Joint Commission on Security Sector Reform met regularly to discuss issues related to military and police reform. Challenges addressed include the slow pace of army integration, the logistical and other deficiencies of the *brassage* process, shortcomings of the National Commission for Disarmament, Demobilization and Reintegration (CONADER) in the implementation of the national disarmament, demobilization and reintegration plan, and the army and police census. The Joint Commission and its weekly military and police technical subcommittees also provide useful forums for discussions on how to improve the management of security-related matters.

45. Considerable thought has been devoted to the security-related needs of the Government-elect later this year. Many of the transitional tasks, particularly in the security field, will not have been accomplished, including the formation of a suitably sized, professional, well-managed and well-equipped national Congolese army, loyal to the State and capable of protecting the Congolese people and territory; and the creation of a police force governed by democratic principles and respectful of human rights. Questions related to the rule of law, including the criminal justice mechanism and corrections, also need to be put on an equal footing with military and police reform.

46. The role of MONUC in this context should become clearer once the position of the incoming Government is known, and following further discussion with international partners. It is my intention to submit to the Security Council, in the context of my last report before the expiry of the current mandate in September, a detailed analysis of this matter, including recommendations on army integration; the quality, capacity and training of the armed forces and their conduct; the strengthening of a national police force and the military justice system; and legal issues such as military and police discipline. The last item is of particular significance given the serious incidents of misconduct by FARDC units deployed in the eastern part of the country, regarding which my Special Representative has expressed concern to President Kabila. These issues should be dealt with in the context of a comprehensive and practical security sector reform plan, which the incoming Government would have ownership and responsibility for, with the support of donors.

47. In their discussions on coordinating assistance, MONUC, the Special Representative of the European Union for the African Great Lakes Region and the European Commission representative in the Democratic Republic of the Congo agreed in principle to develop joint short- and long-term plans for police and military reform. In addition, at a meeting of the contact group on security sector reform on 28 February in Brussels it was agreed that donors and international organizations needed to agree on a common concept and coordinated action.

48. The need for better coordination notwithstanding, a number of bilateral initiatives are ongoing. In addition to providing logistical and operational support to FARDC, MONUC, in partnership with the Ministry of Defence, finalized five training modules for FARDC officers and soldiers on legal and moral obligations and sanctions for misconduct.

49. The Transitional Government continues to face difficulties in pursuing its objective of creating 18 integrated brigades prior to elections. Current efforts focus

on completing the second "wave" of six brigades, the first six having already been created. In the absence of committed Government engagement, the integrated brigades will continue to lack discipline and face serious logistical and technical shortcomings.

50. Disgruntled ex-combatants who have not received their reintegration assistance present a further threat to security and stability in the coming months. Serious shortcomings in the management of CONADER, including the alleged misappropriation of funds, continue to hinder the effective implementation of the disarmament, demobilization and reintegration programme. Thousands of armed men across the country await late payments in orientation centres, where living conditions are very poor. Because of accumulated delays in implementing the disarmament, demobilization and reintegration process, the UNDP rapid response mechanism advanced $2.1 million for assistance to the 20,000 dependants living close to orientation and transit centres.

51. Concerning the disarmament, demobilization and reintegration of minors, during the first trimester of 2006, irregularities were registered during the withdrawal of children from armed groups and forces in several regions. In many cases, children tried to gain access to adult programmes or attempted to re-enter the children's process to benefit from the facilities. MONUC noted an increase of reports of re-recruitment and abuses against children formerly associated with armed groups in areas where militias remain active. Another issue that urgently needs to be addressed is the numerous reports of FARDC soldiers abusing minors and perpetrating acts of sexual violence against the population.

52. These challenges affect the ability of MONUC to support and collaborate with FARDC in restoring security, particularly in the eastern part of the of the country. While FARDC, with MONUC support, has had some success in its operations against the foreign armed groups, it is often unable to sustain initial success by retaining control over territory gained or protecting Congolese civilians from reprisals.

Human rights and rule of law

53. Serious human rights violations committed by FARDC against civilians continue to be reported, particularly following military operations in Ituri and Katanga. While some authorities have taken steps to fight impunity during the reporting period, including the sentencing by a military court in Equateur of seven FARDC officers to life imprisonment for committing mass rapes, serious concerns persist as to the capacity of the Congolese military authorities and judiciary — particularly in view of interference from political actors and the military command structure — to decisively address impunity and hold trials for serious human rights violations. FARDC has shown reluctance to hand over senior officers allegedly involved in human rights violations, including sexual violence, for prosecution.

54. While the authorities cooperated with the International Criminal Court in arresting Thomas Lubanga, a former Ituri militia leader, and transferring him from Congolese custody to the Court's headquarters in The Hague, several dangerous Ituri militia leaders have been released from Government custody questionably, at least one of whom is reported to have rejoined a militia group in Ituri. Two prominent militiamen also escaped from prison in Kisangani. Although other Ituri leaders remain in jail, good-faith efforts of military judicial authorities to investigate

alleged crimes remain blocked by a serious lack of political will and human and material resources. Important investigations, such as that of the Kilwa massacre, are stalled. Brigade and battalion commanders responsible for massacres, rape and other serious human rights violations in North Kivu in December 2004 obtained new assignments in FARDC and the military judiciary has not been able to take action. Following the discovery of mass graves in North Kivu in November 2005, I intend to dispatch a human rights team to the Democratic Republic of the Congo to conduct a mapping of the serious violations committed between 1993 and 2003.

55. Progress on the promotion and protection of human rights has been mixed. A special court, the State Security Court, was abolished following the promulgation of the new Constitution in February; however, the fate of those whose cases were pending at the time, including a political opposition leader and a journalist, remains unclear. While the amnesty law was promulgated in January, to date only 58 convicted prisoners have been granted amnesty for *faits de guerre* and none for *infractions politiques*, raising concerns that the implementation of the amnesty law could be limited and discriminatory. Meanwhile, the Supreme Court issued a non-binding advisory opinion stating that murdering a head of State is not a political crime. Those convicted for the killing of the late President Laurent Kabila are therefore unlikely to benefit from the amnesty.

56. In Kinshasa, while the national police force has demonstrated its ability to control political demonstrations without violating human rights, there is a tendency to use excessive force. MONUC has found that the use of torture to obtain confessions from criminal suspects is routine in police stations throughout the country. The Garde republicaine, which is now deployed in several key towns, has also committed acts of violence against the civilian population during the reporting period. MONUC is strengthening its capacity to monitor election-related human rights violations during the electoral process, such as those related to press freedom, freedom of peaceful assembly and association, freedom of opinion and expression and freedom from arbitrary arrest and torture.

57. Improving detention conditions and facilities in the east remains a high priority. The Mission is seeking support to establish additional capacity at the prison in Bunia, where conditions are particularly difficult, in order to bridge the gap until a new facility planned by the European Union is constructed by 2008. During the reporting period, MONUC published a report on the legality of arrests and detention; in response, the General Prosecutor issued a directive which guarantees the rights of detainees.

58. With regard to the post-electoral period, MONUC has started to identify areas in which legislative drafting or reform is needed to comply with the new Constitution. Of additional concern are obstacles in existing legislation to the prosecution of certain crimes such as cross-border trafficking of illegal weapons. The Mission, together with local non-governmental organizations and the Ministry of Justice, has started to identify laws that need to be amended in order to comply with international standards on the issue of corruption.

IV. Conduct and discipline

59. During the reporting period, MONUC focused on a three-pronged strategy to combat sexual exploitation and abuse and other types of misconduct: reporting and

tracking of allegations; sensitization and training; and responsibility and accountability of the chain of command. MONUC expanded its database management system and developed internal procedures to ensure the accurate reporting, recording and tracking of all allegations of misconduct of Mission personnel. Nevertheless, the insufficient capacity of the Office of Internal Oversight Services to rapidly launch investigations into incidents of serious misconduct, including sexual exploitation and abuse, has presented a serious challenge in MONUC. On the one hand, the Office faces competing priorities, while, on the other hand, MONUC requires immediate and swift action to address breaches of the code of conduct. Consultations are taking place between MONUC, the Office of Internal Oversight Services and the Department of Peacekeeping Operations to identify mutually acceptable solutions.

60. Training and sensitization to deter all types of misconduct by United Nations personnel, with special emphasis on sexual exploitation and abuse, remained a priority during the reporting period and will become a permanent feature of programmes to combat sexual exploitation and abuse and other types of misconduct. MONUC held two training-of-trainers workshops for 40 divisional and brigade-level officers. Some 592 new military and civilian arrivals to MONUC were briefed, with particular attention to the training of the formed police units.

61. My Special Representative reaffirmed the accountability of all managers and their responsibility to ensure adherence to the code of conduct by all MONUC personnel. This was reiterated on numerous occasions in writing to all heads of regional offices and during briefing sessions for military and civilian senior staff. MONUC is considering establishing full-time sexual exploitation and abuse focal points in sensitive locations to ensure a permanent link between the field and MONUC headquarters.

V. Administrative aspects

62. Based on the transitional calendar, which was to have culminated with presidential and legislative elections and the installation of a new government before 30 June 2006, the General Assembly approved personnel and material resources for MONUC to support the national-level electoral activities during the current financial period, ending on 30 June 2006. With the rescheduling of elections, the Mission will have to extend this level of support for the holding of elections well into the 2006/07 period. Furthermore, to ensure a successful national electoral process MONUC has determined that it will need to deploy personnel at sites closer to polling stations. This requires deploying, equipping and sustaining small groups of personnel at up to 80 new remote locations for a limited period. Support for the elections would also require the deployment of another nine rotary-wing and two fixed-wing aircraft and 88 civilian staff, mainly aviation, communications and logistics personnel, to manage the new air assets and landing sites. Additional troops are also being generated for deployment to MONUC (in Katanga) under the ONUB ceiling, pursuant to Security Council resolution 1669 (2006) of 10 April 2006, with troop costs reimbursed from the ONUB budget and the cost of the sustainment of troops on the ground borne by MONUC.

63. The full extent of the Mission's additional resource requirements arising from the extension of the national electoral calendar for the presidential and legislative

elections is being determined. In this regard, special attention is being given to obtaining economies of scale from existing resources, particularly with respect to air assets, and greater reliance on authorized numbers of police and military observer personnel to staff new locations. It is further expected that part of the surge requirements might be met through the reprioritization of human and material resources across peacekeeping missions to reinforce MONUC during the critical period around elections.

VI. Financial aspects

64. My proposed budget for MONUC for the period from 1 July 2006 to 30 June 2007, in the amount of some $1.1 billion, has been finalized and is being presented to the General Assembly for its consideration during its sixtieth session.

65. Owing to the timing of its preparation, the budget was based on the assumption that the presidential and legislative elections would be held by 30 June 2006. In this connection, pending the determination of the full additional resource requirements of the Mission arising from the continuing support for the elections, and the degree to which they can be accommodated through temporary arrangements with other peacekeeping operations, it will be my intention to absorb them, to the fullest extent possible, from within the proposed 2006/07 budget for MONUC, with the related expenditures reported to the General Assembly in the context of the Mission's performance report.

66. As at 31 January 2006, unpaid assessed contributions to the MONUC special account amounted to $748.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,664.4 million.

67. Reimbursement of troop-contributing countries for troop and contingent-owned equipment costs has been made for the period up to 31 January 2006 and 30 September 2005, respectively, in accordance with the quarterly payment schedule.

68. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.7 million, with expenditure to date amounting to $1.2 million. From the balance of $67,700 remaining in the trust fund to support the Ituri Pacification Commission, which donors have agreed to utilize in support of the Ituri District Administration, $39,300 has been expended to date. I expect the remaining amount to be disbursed shortly.

VII. Observations

69. The historic elections which are scheduled to be held in the Democratic Republic of the Congo in the coming months constitute the largest and most challenging electoral process ever conducted with United Nations support. The Congolese electorate of 25.5 million voters will be called upon, for the first time in 45 years, to cast their vote in some 50,000 polling stations for some 33 presidential, over 9,000 national legislative and over 10,000 provincial assembly candidates. By all standards, logistical challenges and the cost of the elections will be considerable. It is hoped that this unprecedented investment by the Congolese people and the

international community will help consolidate lasting peace in the Democratic Republic of the Congo through a process of national reconciliation, further democratization and the continued implementation of fundamental reforms and the transitional agenda. I also trust that the lessons learned in organizing and conducting the elections will be considered carefully to allow for the organization of future national polls in the most efficient way.

70. I am grateful to the international community for its considerable political, financial, technical and logistical support of the electoral process. I would like to note in particular the key role played by the European Union in mobilizing and providing funding for the elections, and helping to advance the electoral agenda through its sustained high-level political engagement. I would also like to thank other key donors, including the Government of South Africa, which is assisting the Independent Electoral Commission with critically needed financing, printing and transporting of some 78 million ballot papers to 14 designated sites. This generous donor assistance is a welcome supplement to the considerable logistical and technical support being provided by MONUC.

71. While it will be difficult, given the logistical challenges, to ensure that the elections are absolutely perfect, it will be important for the credibility of the process that the Independent Electoral Commission remains impartial and fully transparent in managing the elections. In this connection, I am concerned by recent reports regarding limitations on civil liberties, the widespread misuse of public funds, endemic corruption and the arbitrary detention of political party members. I have also been concerned by reports of increasing intimidation of the media, which threatens to undermine the transparency of the elections. Freedom of the press is a central tenet of democracy that needs to be upheld especially during the electoral period. It is the right of both national and international members of the press to be able to report without fear. Any attempt to manipulate the process, including through restrictions on the freedom of the national and international press, the intimidation of voters and arbitrary arrests, cannot be tolerated and should be strongly condemned.

72. I also strongly encourage the Congolese political leaders to approach the elections in a spirit of reconciliation and renewal. The elections and their outcome should provide an opportunity to continue the process of national dialogue, consolidation of peace and progress towards the long-term unity and stability of the country.

73. I urge the Congolese authorities, in particular the national police, who have the special mandate to secure the polls, to continue taking the necessary security measures to prevent and deter possible violence. The elections must take place in an atmosphere which is calm and free of any intimidation or interference. Political parties and candidates should refrain from using rhetoric that would incite ethnic tensions. Moreover, the political campaign should be conducted in strict compliance with the code of conduct; political parties and independent candidates should be encouraged to base their campaign on the programmes and platforms which will best serve the long-term interest of the Congolese population.

74. While the primary responsibility for securing the elections remains with the Congolese authorities, MONUC and its partners will continue to support the efforts of the Government. In this connection, I strongly welcome the decision of the European Union to assist the United Nations in securing the elections by making

available a standby force to address, if need be, specific security situations. The availability at short notice of the main body of the European Union standby force, as well as the presence of its advance elements in Kinshasa, will play an important role in reassuring the Congolese electorate and deterring potential spoilers. It is hoped that that force will become operational shortly, and that its collaboration with the United Nations will provide further impetus for future European Union as well as other donors' engagement in the Democratic Republic of the Congo, particularly in the area of security sector reform.

75. I am grateful for the Security Council's authorization to transfer from ONUB to MONUC a battalion, a level II hospital and up to 50 military observers. At the same time, I would be grateful if the Council could take note of my concerns relating to military and police assets, described in paragraph 30 of the present report.

76. Despite some progress, the political and security situation in Ituri, the Kivus and Katanga remains tenuous. Militia fighting continues to affect negatively the lives of civilians. Joint FARDC-MONUC operations have improved the overall situation in the Kivus, and progress has been achieved in containing and disarming militias. There are, however, a number of intransigent armed groups in the area that continue to pose a threat to the populations. MONUC intends to implement the strategy outlined in my recent report on the disarmament, repatriation and resettlement of foreign armed groups in the Democratic Republic of the Congo (S/2006/310). It also intends to intensify the operations against these remaining elements after the elections.

77. In this connection, the surrender of Mayi-Mayi commander Gédéon and his forces in Mitwaba is a welcome development. I am also encouraged by the steps taken to bring before the International Criminal Court one of the notorious leaders of the Ituri armed groups. At the same time, the judicial authorities of the Democratic Republic of the Congo are expected to make additional efforts to put an end to impunity, including within FARDC.

78. FARDC has engaged in widespread, serious violations of human rights. This is partly due to the fact that the integration of the national army has been somewhat ineffective, particularly given the lack of political will, the mismanagement and diversion of funds earmarked for salary payments, and inadequate training and logistical support. I urge the Congolese authorities and bilateral donors, including the European Union and others, to accelerate the establishment of a reformed army and police force and to ensure that those responsible for human rights violations are swiftly brought to trial by an independent and credible justice system.

79. The humanitarian crisis in the Democratic Republic of the Congo remains severe, with a large number of internally displaced persons and other vulnerable populations. The United Nations and its partners have invested considerable effort and resources in helping to mitigate the worst aspects of the humanitarian crisis. I call upon the Government to vigorously support these efforts by developing and implementing an overarching policy that takes into account disarmament, demobilization and reintegration, as well as political and security stabilization.

80. The 2006 action plan launched on 13 February in Brussels and Kinshasa presents a clear and realistic framework to address the continuing humanitarian issues in the Democratic Republic of the Congo. However, it remains a source of

concern that donors have pledged only 14 per cent of the $682 million needed. The action plan, which is aimed at building on the gains in the security environment achieved by MONUC, will be critical in addressing the legacy of conflict in the Democratic Republic of the Congo. I therefore strongly appeal to the Congolese authorities as well as the donor community to urgently provide the required assistance to address the humanitarian crisis in the Democratic Republic of the Congo.

81. The recent progress made in improving bilateral relations between the Democratic Republic of the Congo and Rwanda is encouraging. Rwanda's intention to restore full diplomatic relations with the Democratic Republic of the Congo after the elections is a step in the right direction. At the same time, I believe that the misunderstandings and tensions that persist between the Democratic Republic of the Congo and Uganda, especially those concerning the security situation on their common border, should be addressed as matter of priority. The Democratic Republic of the Congo and its neighbours should continue working towards finding mutually acceptable solutions to issues of common concern, including through the existing confidence-building mechanisms.

82. The forthcoming elections in the Democratic Republic of the Congo will represent a major milestone. However, some tasks envisaged under the Global and All-Inclusive Agreement will not have been completed by the time of the polls. The new Government will have to ensure and promote the establishment of a new political and economic culture. I therefore urge all Congolese stakeholders to approach the post-electoral period in a spirit of reconciliation and national consensus, ensuring the participation of all of the country's political forces in the new political dispensation. The new Government should also make every effort to ensure that urgent needs of the population for security and economic development are met, particularly through urgent action on key priorities related to security sector reform, transparent management, decentralization, natural resource management and the establishment of good-neighbourly relations with the countries of the region.

83. The sustained engagement of the international community, and the establishment of follow-up peace consolidation mechanisms, will be critical. It will be necessary for the future Government to establish a national action plan, including benchmarks and coordinated programmes of donor support targeted at key objectives, such as the poverty reduction strategy, the United Nations action plan, security sector reform and other aspects. In this connection, I would strongly encourage the authorities of the Democratic Republic of the Congo to make every effort to further strengthen their relationship with the donor community, in particular the International Monetary Fund and the World Bank, as the continuation of their assistance programmes will remain critical in ensuring that sufficient funding is available to meet the high expectations of the population.

84. At the same time, I hope that the international community, together with the United Nations, will continue to assist the Democratic Republic of the Congo in the establishment of durable peace and sound economic recovery. In particular, it will be important for the United Nations to provide support to the future Government to strengthen the democratic process, improve governance, reform the security sector and promote and protect human rights.

85. I intend to provide the Council with my proposals for the post-electoral role of MONUC, which will include critical areas such as the extension of State authority,

reform of the security sector, protection and promotion of human rights, protection of civilians and the provision of overall security. These proposals will be outlined in my report to the Security Council after the possible second round of the presidential elections, which may take place in October 2006.

86. I also wish to convey my deep condolences to the Government of Guatemala, which lost eight of its peacekeepers in January. This tragic loss has reinforced the resolve of the United Nations to combat the lawlessness and impunity that continue to exist in many parts of the Democratic Republic of the Congo. I also wish to pay my condolences to the Government of India for the loss of its peacekeeper in December 2005, during an operation against ADF in North Kivu.

87. In conclusion, I would like to thank my Special Representative and the personnel of MONUC, the United Nations family and all international partners for their untiring efforts, often in daunting conditions and personal danger, in pursuit of peace in the Democratic Republic of the Congo.

MONUC
June 2006
HQ MONUC Headquarters
S-1 Sector Headquarters
HQ Brigade Headquarters
ASU Air Support Unit
LOG Logistics base
Military Observer team site
Mil. / Sector boundary
A Military Liaison Office is located in Kampala, Kigali and Bujumbura
International boundary
Provincial boundary
National capital
CENTRAL AFRICAN REPUBLIC
SUDAN
UGANDA
DEMOCRATIC REPUBLIC OF THE CONGO
RWANDA
BURUNDI
CONGO
ANGOLA
ZAMBIA
UNITED REPUBLIC OF TANZANIA
ATLANTIC OCEAN
Bangui
Brazzaville
Kinshasa
Cabinda
Kigali
Bujumbura
Kampala
Mahagi
Kasindoma
Moundaka
Obo
Mongbwalu
Matadi
Kalemie
Lubumbashi
MONUC
Western
GHANA
TUNISIA
URUGUAY
S. AFRICA
MALAWI
GUATEMALA
SENEGAL
MOROCCO
BANGLADESH
PAKISTAN
INDIA
NEPAL
INDONESIA
BOLIVIA
BENIN
CHINA
S. Kivu
N. Kivu
OTHER DEPLOYED*
Faizabad
Mongbwalu
Mambasa
Tchomia
Bukavu
Bunia
Bulukhoba
Aveba
Watsonga
Panzi
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.